

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 15, 2003
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:09 a.m.

Council Member Madaffer wished to thank a special group of people from the Police Department, Fire Department, and Park and Recreation, who play important roles in the rescue missions on Cowles Mountain.

The meeting was recessed by Mayor Murphy at 11:04 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:15 a.m. with Council Member Peters not present. Mayor Murphy recessed the meeting at 11:20 a.m. to convene the Special Joint Council Meeting with the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 11:33 a.m. with Council Member Peters not present. Mayor Murphy recessed the meeting at 12:03 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:10 p.m. with Council Member Peters and Council Member Zucchet not present. The meeting was recessed by Mayor Murphy at 3:24 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:41 p.m. with Council Member Peters, Council Member Maienschein, and Deputy Mayor Inzunza not present. Mayor Murphy recessed the meeting at 3:42 p.m. to reconvene the Special Joint Council Meeting with the Redevelopment Agency. Mayor Murphy recessed the meeting at 3:47 p.m. to reconvene the Redevelopment Agency. Mayor Murphy recessed the meeting at 4:41 p.m. for the purpose of a break. Mayor Murphy reconvened the regular meeting at 4:50 p.m. with Council Member Peters not present. Mayor Murphy adjourned the meeting at 5:29 p.m. into Closed Session immediately following the regular meeting in the twelfth floor conference room to discuss anticipated and existing litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-not present
- (2) Council Member Zucchet-present

- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Abdelnour (gs/pr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-not present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell spoke on requirements for holding public office in our country.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 a.m.)

PUBLIC COMMENT-2:

Al Strohlein commented on the condition of Crown Point Park in Mission Bay after the 4th of July.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. - 10:30 a.m.)

PUBLIC COMMENT-3: REFERRED TO THE CITY MANAGER

Joseph Fox commented on the failure to respond to his previous complaint surrounding allegations and shortcomings involving Neighborhood Code Compliance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. - 10:35 a.m.)

PUBLIC COMMENT-4:

Kathleen Blavatt expressed her concerns for the safety of residents living near the airport and a jet which caught fire.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. - 10:37 a.m.)

PUBLIC COMMENT-5:

Ron Boshun commented on certain actions regarding the Mayor and Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. - 10:40 a.m.)

PUBLIC COMMENT-6:

Karen Huff commented on a previous decision made by the Historical Resources Board.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. - 10:45 a.m.)

PUBLIC COMMENT-7:

Eileen Freeman expressed concern for people being persecuted in Yantai, China.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. - 10:47 a.m.)

PUBLIC COMMENT-8:

Bert Decker commented on the financial situation of retired citizens in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. - 10:52 a.m.)

PUBLIC COMMENT-9:

Cynthia Conger and Eileen Deely expressed concern with a construction project on Rosecrans Street in the Sports Arena area.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. - 10:56 a.m.)

PUBLIC COMMENT-10: REFERRED TO THE CITY MANAGER

Maggie Valentine commented about the difficulty in trying to replace a broken trash receptacle.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. - 11:00 a.m.)

PUBLIC COMMENT-11:

Jarvis Ross expressed his concern on two dangerous areas where streets have been re-stripped in Point Loma.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. - 11:03 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Mayor Murphy wishing to introduce 32 young people from Belfast, Ireland, who had arrived July 7, 2003, and who will be in San Diego through July 17, 2003, for a Soccer Tournament under the sponsorship of the "Belfast Together Project," an

organization that uses soccer as a catalyst to unite Catholic and Protestant boys from Northern Ireland, to help build bridges towards peace and reconciliation in their country.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:15 p.m. - 2:21 p.m.)

COUNCIL COMMENT-2:

Comment by Council Member Frye wishing to note that July 20, 2003, from 10:00 a.m. to 10:00 p.m., will be the first anniversary celebration of the Mission Valley Library located on Fenton Parkway and Friars Road. There will be events scheduled including movies, an art show, and an open air market. Council Member Frye invited everyone to attend, and to feel free to make donations to the library.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:45 p.m. - 3:46 p.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-330: AAA Club of Southern California Hotel Circle.

Matter of the appeal by Mr. Randy Berkman of the River Valley Preservation Project, Mr. Eric Bowlby of the Sierra Club, and Mr. James A. Peugh of the Audubon Society from the decision of the Planning Commission in adopting Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program No. 2379 (LDR No. 42-0127) prepared in connection with the above named project.

(See City Manager Report CMR-03-135. MND/MMRP PTS No. 2379. Mission Valley Community Plan Area. District-6.)

(Continued from the meeting of July 1, 2003, Item 330, at the request of Councilmember Frye, for further review by public and by AAA.)

NOTE: Hearing Open. No testimony taken on 7/1/2003.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to deny the appeal, and to affirm the decision of the Planning Commission in adopting Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program No. 2379.

(R-2004-) DEEMED DENIED DUE TO A LACK OF FIVE VOTES,
ADOPTED AS RESOLUTION R-298912

Adoption of a resolution granting or denying the appeal, and upholding or overturning the decision of the Planning Commission in adopting Mitigated Negative Declaration/Mitigation, Monitoring and Reporting Program No. 2379, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on May 1, 2003, voted 4 - 1 to adopt Mitigated Negative Declaration No. 42-0127; was opposition.

Ayes: Schultz, Brown, Ontai, Lettieri
Nays: Chase
Not present: Steele, Garcia

The Mission Valley Planning Committee on August 7, 2002, voted 15-1-0 to recommend approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND

The subject property is an irregular shaped, relatively flat, 2.18 acre site. It is located on the north side of Interstate I-8 near the I-8 westbound Taylor Street off-ramp, immediately south of the San Diego River at 2432-2440 Hotel Circle Place. The site is zoned Mission-Valley

Commercial Visitor (MV-CV), within the San Diego River Subdistrict of the Mission Valley Planned District in the Mission Valley Community Plan, Council District 6. Also, the Floodway boundary line is located just north of the subject site. The entire site is located in the Flood Fringe boundary and subject to the Environmentally Sensitive Lands Regulations. The Mission Valley Community Plan designates the site for Commercial Recreation. The subject site previously contained an abandoned tennis court, a parking lot, a restaurant building and an auto repair garage. The adjacent property to the east is improved with a hotel and the property to the west is improved with a restaurant. The San Diego River and the area to the north is part of the Multi-Habitat Planning Area (MHPA) and contains the Warner Ranch mitigation site with riparian habitat. North of the San Diego River is the River Valley Golf Course. An approximately 0.16-acre developed/disturbed portion of the site at the northeastern corner is located in the MHPA.

After receiving the staff report and testimony from the public, the subject project was approved by the Hearing Officer, on March 19, 2003.

Appeal to Planning Commission

On April 1, 2003, Randy Berkman and James Peugh appealed the Hearing Officer's approval of the project with concerns about consistency with the Land Development Code, Council Policy 600-14 and the environmental document prepared for the project.

After receiving the staff report and testimony from the appellants and interested parties on May 1, 2003, the Planning Commission voted 4-1 to uphold the decision of the Hearing Officer and to adopt the Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program.

Appeal to City Council

Subsequent to the Planning Commission's adoption of the environmental document, it was determined that effective January 1, 2003, Section 21151(c) of the California Environmental Quality Act had been amended as follows: *If a nonelected decisionmaking body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decisionmaking body, if any.*

Pursuant to this amended legislation, Randy Berkman, James Peugh and Eric Bowlby filed an appeal of the Planning Commission's decision on May 14, 2003. Note that CEQA now allows any interested party to appeal the adoption of an environmental document to the agency's elected decision making body, which in this case is City Council. However, this new appeal process applies only to the environmental document. Planning Commission's decision regarding the Site

Development Permit, which was the result of an appeal of a Hearing Officer's decision (Process 3), is not appealable to the City Council.

FISCAL IMPACT:

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Ewell/Christiansen/JRJ

LEGAL DESCRIPTION:

The project site is located on a 2.18 acre site at 2432-2440 Hotel Circle Place in the Mission Valley community and is more particularly described as being a portion of Lot 1, Ohmer Subdivision according to Map No. 5344 and a portion of Lot 1 Hanalei, according to Map No. 5719.

FILE LOCATION: LUP - AAA Club of Southern California Hotel Circle,
07/01/03 (65)

COUNCIL ACTION: (Time duration: 11:34 a.m.- 12:03 p.m.; 2:11 p.m.- 3:24
p.m.)

Testimony in opposition by Randy Berkman, Jim Peugh, Eric Bowlby, and Dave Potter.

Testimony in favor by Thomas Steinke, Tom Pavlousky, Sean Porter, Cindy Jones, William Lund, and Jeff Woolf.

MOTION BY FRYE TO UPHOLD THE APPEAL, TO NOT APPROVE THE MITIGATED DECLARATION, TO DENY THE ENVIRONMENTAL IMPACT REPORT, AND TO REQUEST THAT STAFF MEET WITH THE APPLICANT AND THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO PROVIDE INFORMATION REGARDING THE ENVIRONMENTAL IMPACTS THAT MAY HAVE OCCURRED WHEN THE COLUMNS WERE BURIED. Second by Zucchet. Failed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, Lewis-nay, Maienschein-yea, Frye-yea, Madaffer-nay, Inzunza-nay, Mayor Murphy-nay.

ITEM-331: Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment-FY 2004.

(See City Manager Report CMR-03-104. Rancho Peñasquitos Community Plan Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-1329) ADOPTED AS RESOLUTION R-298194

Resolution approving the Development Impact Fee schedule for properties within Rancho Peñasquitos.

Subitem-B: (R-2003-1330) ADOPTED AS RESOLUTION R-298195

Resolution designating an area of benefit in Rancho Peñasquitos and the boundaries thereof, confirming the description of public facilities projects, the community financing plan and capital improvement program with respect to public facilities projects, the method for apportioning the costs of the public facilities projects among the parcels within the area of benefit and the amount of the facilities benefit assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in facilities benefit assessments, and proceedings thereto, and ordering of proposed public facilities project in the matter of Rancho Peñasquitos Facilities Benefit Assessment Area.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/21/03, LU&H voted 4-0 to approve. (Councilmembers Peters, Zucchet, Lewis, and Frye voted yea. Councilmember Atkins not present.)

FISCAL IMPACT:

Approval of this revised Public Facilities Financing Plan and Facilities Benefit Assessment will continue to provide a funding source for the public facilities identified in the Rancho Peñasquitos Community Plan.

Ewell/Goldberg/JLC

FILE LOCATION: STRT - FB13 (33)

COUNCIL ACTION: (Time duration: 11:16 a.m. - 11:16 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Three actions related to the Proposed First Amendment to the Barrio Logan Redevelopment Plan for the Barrio Logan Redevelopment Project.

(See City Manager Report RA-03-21/CMR-03-130. Barrio Logan/Harbor 101 Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolutions in Subitems B and C:

Subitem-A: (O-2004-04) INTRODUCED, TO BE ADOPTED ON MONDAY,
JULY 28, 2003

Introduction of an Ordinance approving and adopting the First Amendment to the Redevelopment Plan for the Barrio Logan Redevelopment Project.

Subitem-B: (R-2004-36) ADOPTED AS RESOLUTION R-298196

Approving the Proposed First Amendment to the Redevelopment Plan for the Barrio Logan Redevelopment Project, and accepting and approving the report to the Council of the City of San Diego for the Proposed First Amendment.

Subitem-C: (R-2004-37) ADOPTED AS RESOLUTION R-298197

Certifying that Council has reviewed and considered information contained in the Final Environmental Impact Report for the Barrio Logan Redevelopment Project, and the Environmental Secondary Study for the Proposed First Amendment to the Barrio Logan Redevelopment Plan; and making certain findings and determinations regarding environmental impacts of the action.

NOTE: See the Redevelopment Agency agenda of 7/15/2003 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:17 a.m. - 11:17 a.m.)

MOTION BY INZUNZA TO INTRODUCE THE ORDINANCE IN SUBITEM A; AND TO ADOPT THE RESOLUTIONS IN SUBITEMS B AND C. Second by Madaffer. Passed by the following vote: Peters-not present, Zucchett-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Barrio Logan Redevelopment Project Ratification of PAC Election.

(See City Manager Report CMR-03-137. Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1436) ADOPTED AS RESOLUTION R-298198

Ratifying the election results of May 21, 2003, for the Project Area Committee for the Barrio Logan Redevelopment Project Area; and authorizing the extension of the Project Area Committee for one year.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:17 a.m. - 11:17 a.m.)

MOTION BY INZUNZA TO ADOPT. Second by Lewis. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Three actions related to Amendments to the Formation Procedures for the City Heights, College Community, and North Bay Project Area Committees (PAC's).

(See City Manager Report CMR-03-145. City Heights, College Area, and North Bay Community Areas. Districts-2, 3, 4, 6, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-51) ADOPTED AS RESOLUTION R-298199

Approving proposed amendments to the Formation Procedures for City Heights Redevelopment Project Area Committee.

Subitem-B: (R-2004-50) ADOPTED AS RESOLUTION R-298200

Approving proposed amendments to the Formation Procedures for College Community Project Area Committee.

Subitem-C: (R-2004-49) ADOPTED AS RESOLUTION R-298201

Approving proposed amendments to the Formation Procedures for North Bay Redevelopment Project Area Committee.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:16 a.m. - 11:17 a.m.)

MOTION BY LEWIS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-335: Two actions related to Naval Training Center Redevelopment Project.

(See City Manager Report RA-03-12/CMR-03-088. Peninsula Community Area. District-2.)

(Reconsideration of Item 332 from the meeting of 6/17/2003, at the request of Councilmembers Peters and Madaffer, to allow time for public noticing.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1264) ADOPTED AS RESOLUTION R-298206

Declaring that Council finds and determines that the publicly owned infrastructure improvements for which the Agency proposes to pay are of benefit to the Naval Training Center Redevelopment Project, that no other reasonable means for financing the proposed publicly owned infrastructure improvements are available to the community, and that the proposed publicly owned infrastructure improvements will assist in eliminating one or more blighting conditions inside the Project area;

Declaring that Council finds and determines that the proposed publicly owned infrastructure improvements are consistent with the Implementation Plan adopted for the Project by the Redevelopment Agency pursuant to California Health and Safety Code Section 33490;

Subitem-B: (R-2003-1267) RETURNED TO THE CITY MANAGER

Approving all the terms and conditions in the proposed Memorandum of Understanding;

Authorizing the City Manager, or designee, to execute the Memorandum of Understanding with the NTC Foundation;

Authorizing the City Manager, or designee, to expend an amount not to exceed \$2.7 million in City TOT funds, contingent on the receipt of an Auditor's Certificate to do so, to assist the NTC Foundation with its share of the CAM fees;

Authorizing the City Manager, or designee, to sign all documents necessary and appropriate to carry out and implement the Memorandum of Understanding and to administer the City's obligations, responsibilities and duties to be performed under the Memorandum of Understanding.

NOTE: See the Redevelopment Agency Agenda of 7/15/2003 for a companion item.

FILE LOCATION: SUBITEMS A & B MEET (67)

COUNCIL ACTION: (Time duration: 4:51 p.m. - 5:26 p.m.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION IN SUBITEM A TO CONFIRM THE FINDINGS OF BENEFIT TO THE PROJECT AREA, AND TO MOVE FORWARD WITH THE PROJECT. RETURN THE MEMORANDUM OF UNDERSTANDING IN SUBITEM B TO THE CITY MANAGER SINCE THERE IS NO REQUEST FOR FUNDING FROM THE FOUNDATION. Second by Lewis.

Passed by the following vote: Peters-not present, Zucchet-nay, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:29 p.m. in honor of the memory of:

Liza Garcia as requested by Council Member Lewis.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 5:27 p.m. - 5:29 p.m.)